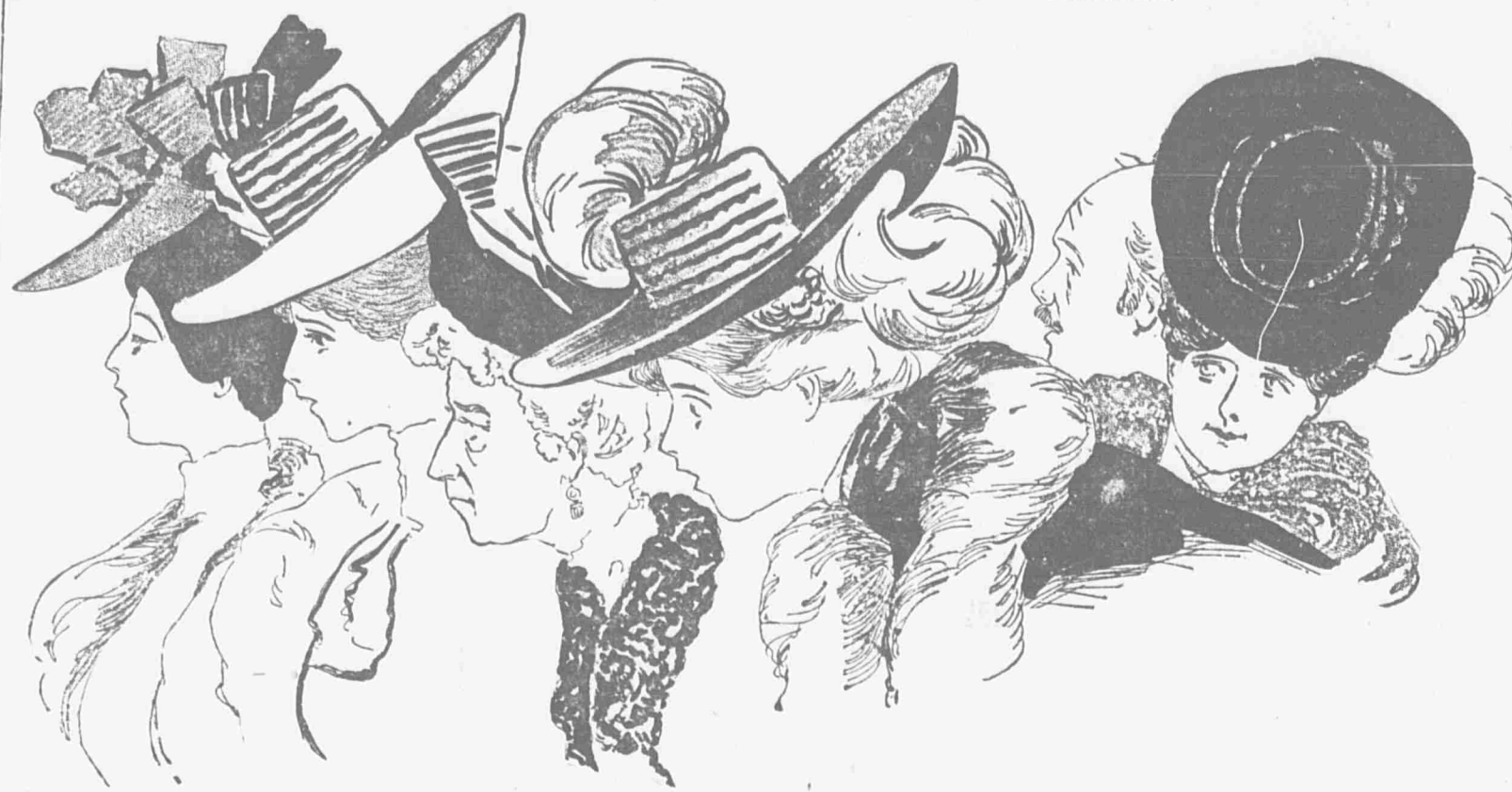


"RAILBIRDS" AT THE BERTHE CLAICHE TRAIL

SKETCHED FROM LIFE TO-DAY BY ARTIST MORTIMER.



Berthe was leading, but Justice Davis

On cross-examination Mr. Ely asked the witness if she had ever served a term in the workhouse. She said she had not. After admitting that she would do anything in her power to save her sister she was excused.

The next witness was William Hoffman, who talked to Policemen Morton and Berthe while waiting for Gendron to appear on the night he was killed.

Q. Did you know Morton, Martineau and the defendant across the street? A. Yes, sir.

Q. How far away from them were you when they placed hands on Gendron? A. About twelve feet.

Q. What did you see Gendron do before you heard the shot? A. He turned and put his hand to his right hip pocket and muttered something; I could not tell what.

Threat. Then the Shot.

Q. How long after you heard him utter was the shot fired? A. Right after.

Mr. Ely brought out that the witness and Policemen Morton were schoolmates on the west side and had been friendly for fifteen years.

"Who started to cross the street first, when the deceased appeared on the opposite corner," asked Mr. Ely, "Martineau," answered the witness, "Morton was about fifteen feet behind him and I was about twelve feet behind Morton."

Q. When did you first see the defendant? A. After the first shot was fired.

Q. Did not you see her cross the street? A. I did not, because I was looking at Morton.

The cross-examination did not change the direct testimony in any degree. Hoffman swore that he never talked with Morton about the testimony he was to give in the case.

Charles Dumas, a caterer, of No. 149 West Twenty-eighth street, the next witness, said he often saw Berthe Claiche and Emil Gendron pass his place during the summer and winter of 1904.

On one occasion he saw Gendron approach Berthe on the street in front of his place and speak to her. She made some remarks to him.

"Then," said the witness explosively, "I saw him hit the woman. He knocked her into the alleyway between the houses. She lay there nearly five minutes, unconscious, before a woman took her away."

Q. What did he hit her with? A. With his fist.

The witness said Gendron was a powerful man, 6 feet 2 inches tall, with a dark complexion. "His face was very forbidding," continued the witness.

On cross-examination Mr. Ely belittled at Mr. Dumas and Mr. Dumas followed right back.

"How do you fit the time of the alleged assault," asked Mr. Ely.

"I had just finished my supper," replied the witness, "and had taken my chair and was smoking a cigar."

Q. Did the chair come to your head? A. Not one chair.

Gendron Record Barred.

Edward Carroll, clerk of the Court of General Sessions, and Morris Helman, Vice-Consul of the French Government in New York, were called to the stand to identify a copy of the police record of the career of Emil Gendron in Paris.

Justice Davis refused to admit the document in evidence, but the defense managed to get the purport of it before the jury.

Nathan Ballard, Jr., was sworn. Up to Sept. 1, 1904, he lived on the top floor of the house at No. 142 West Twenty-eighth street. Berthe Claiche and Gendron lived on the ground floor.

Early in July Ballard said he was entering the house one afternoon, when he heard a row in the Claiche apartments. In the kitchen he saw Gendron holding the girl by the hair and kicking her. On another occasion he saw Gendron chase the girl with his hands uplifted.

On cross-examination Ballard described himself as a private betting commissioner and an exhibition pool-player.

When the trial was resumed at 11 o'clock to-day, Abraham Levy and Judge Rosalsky, with Assistant District-Attorney Ely, went to the bench and had a consultation with Justice Davis. This was followed by an adjournment until 2 o'clock this afternoon. Then came the rumor that the defense had decided to enter a plea of guilty of manslaughter in the second degree, which would allow of mercy in imposing the sentence.

Then came the report that the investigation conducted by Mr. Ely and Commissioner Bingham on Saturday had brought to light an amazing array of facts concerning the relations existing between the criminal classes in the Tenderloin and some of the plainclothes men attached to the precinct.

Car Tell Much.

There is one woman who can reveal the inside conditions in the Tenderloin. Her name is Berthe Claiche, and she is the only woman who knows all the circumstances surrounding her crime there, has grown up for her a name of public notoriety and is now to stand in the way of her conviction for murder in the first degree—the crime of which she stands indicted.

NEW YORK LIFE WILL FIGHT ARMSTRONG LAW.

Board Instructs President to Take Measures to Oppose Armstrong Recommendations.

The trustees of the New York Life Insurance Company, at a special meeting held last afternoon, went on record as opposing the recommendations of the Armstrong Insurance Investigating Committee.

The report adopted by the Board follows:

"Resolved, That this Board, recognizing the merits of the proposed amendments to the insurance law presented to the Legislature by the Armstrong Committee, and many of the provisions of which have heretofore been adopted by this Board, and that the Board has heretofore approved of and endorsed a large number of the recommendations of the committee."

"Resolved further, That this Board has been advised by its executive officers and its actuaries that some of the provisions of the proposed law, in their judgment, be highly injurious to the interests of the policyholders of the company and will be to lessen instead of increase the safety of their investments represented by their premiums already paid, and will seriously impair the carrying out by the company of the purposes for which it was incorporated, and this Board concurring in such advice, hereby authorizes and instructs the President of this company to take such action as in his discretion may seem proper, including the employment of counsel, to bring to the attention of the Legislature the objections to such proposed legislation."

Tradesmen's Life Insurance Company Has Outstanding Obligations of \$48,000, and \$49 in Bank.

The Tradesmen's Life Insurance Company, of No. 23 Broadway, which began its career as a co-operative organization on the assessment plan in 1888, was to quit, and three of the directors, Ephraim S. Johnson, Albert G. Mabee and George Merrill, filed a petition in the Supreme Court this afternoon asking for a voluntary dissolution. The company was started as the "Jewelers and Tradesmen's Company."

"Your petitioners have discovered that the effect of the proposed amendments to the insurance law is to place the company in a position of financial weakness, and that the company is unable to meet its obligations to its policyholders."

"The corporation had a successful career up to within a recent time, but lately, from many causes, there has been a heavy mortality rate among its members and the unsettled conditions of the company have caused it to lose its ability to meet its obligations to its policyholders."

Follows a list of about 600 members holding policies ranging from \$20 to \$5,000 each, and a list of twenty-seven unpaid death claims aggregating \$18,000.

The only other outstanding claim is that of the law firm who filed the petition. This is a schedule of assets which includes a roll-to-roll desk, a typewriter, books of accounts and other office furniture; \$417 in the hands of agents; \$41.13 in bank and \$35.66 cash on hand.

JOHN D. FOUND, BUT NOT THE REAL ONE

Morgan Sleuth Arrests Man Who Tried to Vote Under the Name.

John D. Rockefeller has been captured at last!

He was caught this afternoon at the corner of Twenty-third street and Eighth avenue by Tom Archer, a professional sleuth. He has been in Canada while officers of the law were looking for him.

However, it will be well not to wire the glad tidings to Attorney-General Hadley of Missouri, yet awhile. Because, you see, this John D. Rockefeller is not the renowned kins of Standard Oil for whom process servers have been searching long weeks.

To-day's prisoner is an election captain in the Fifth Election District of the Ninth Assembly District, and he is charged with importing repeaters here from Utica, pent-up Utica, last November. He was accused by a man who tried to vote under the name of John D. Rockefeller, Jr., and who, as a result, is now at Elmira in the geology class.

Archer, the sleuth who arrested him, is a Morgan sleuth. Archer took John D. Rockefeller, Jr. to the police station in Part I. General Sessions and arraigned him on the charge of violating the election law. The justice held him in bonds of \$2,000.

This John D. Rockefeller is a neat-looking man. He is dressed in a traveling salesman. He does not wear a toupee. He has all the hair of his own that he can use.

Threw a Gerry Scare Into Young Runaway.

Promised to Be Good and Go Home and Live with His Mother for All Time.

Little Peter Jovel, thirteen years old, is living with his mother, Mrs. Peter Bonner, at No. 34 St. Ann's avenue, once more, and if the fear of the Gerry Society is sufficiently instilled into him he will continue to live with her. For the last year, though, Peter has been running away whenever the wanderlust fell upon him. His disappearance occurred last Saturday, and a general alarm was sent out by the police.

This afternoon Mrs. Bonner was downtown shopping at the corner of Lexington avenue and Twenty-eighth street a newsboy was giving the "Wix" to a young man who was looking familiar in the voice and Mrs. Bonner, who was looking for her son, found he was none other than her Peter. She led him over to the Gerry Society where they were holding a meeting. He wouldn't be good, when he told her they let him go, but to all questions as to where he had been since Saturday his answer is, "Selling papers and enjoying myself."

ASSESSMENT ORDER ASKS FOR DISSOLUTION.

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TEAR DOWN CHINATOWN DIVES SAYS HEALTH COMMISSIONER.

BY DR. DARLINGTON.

The crusade which The Evening World is making for tearing down the old ramshackle buildings of Chinatown and creating a park on the site is one of the best moves ever made for the betterment of the city. No department knows better than this what a disease-breeding place it is.

Better that the place should be cleared off now than a later time, when the conditions may spread disease further.

Any one who takes a walk through Chinatown can see in a flash what The Evening World's crusade really means. I SINCERELY TRUST THAT IT WILL BE SUCCESSFUL, AND THE DEPARTMENT STANDS READY TO BACK IT UP IN EVERY WAY.

(Continued from First Page.)

ground floors, but by far the worst horrors are in the upper stories and in the labyrinth of passages and partitions that fills the rear tenements. Rear tenements are found in all the front houses are forced to put up with the same conditions. They get and in the rear a great deal of money—and for that reason it must be torn down. The health commissioner says that the place is a breeding place for disease, and that the conditions are so bad that the place should be cleared off now.

One of the worst places in Chinatown is the one at the corner of Broadway and Duane street. It is a building of three stories, and the rear of the building is a maze of passages and partitions. The conditions are so bad that the place should be cleared off now.

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BROKEN DISHES IN AGED COUPLE'S SUIT

Implements in Household Warfare, Husband Says—Wife Denies It.

NEWARK, N. J., March 5.—Vice-Chancellor Emery heard testimony to-day in a suit for separate maintenance brought by Mrs. Harriet Britton, of New Brunswick, against her husband, Israel Britton. The defendant is seventy-five years old and has snow-white hair and beard. His wife is sixty-four years. Counter charges of ill treatment and violence were made by the pair.

Mrs. Britton testified that she was married to the defendant in Matineen on Dec. 8, 1882, and had lived with him until June 1, 1905, when, she alleged, she was forced to leave him on account of harsh and cruel treatment, covering a period of thirty-five years.

The defendant denied all of his wife's allegations and said that she was the aggressor and had frequently beaten him. She would not let him sleep at night, keeping up a constant urial, and he had to put bolts on his bedroom door to keep her out.

He admitted, however, that his wife had also had bolts placed on the door of her room.

The defendant put in evidence a soup dish, several broken plates and a carving knife, with all of which he said he had been assaulted by his wife. He also produced two empty whiskey bottles, one of which he said he had been assaulted by his wife.

He denied that he was a "drinking man," as charged, but several witnesses testified that they had assisted Britton to his home when he was intoxicated.

Mrs. Britton testified in rebuttal that she had never seen the whiskey bottles and siphon shown by her husband, and the other exhibits presented by him had been used by him on her.

Argument will be heard next Wednesday morning.

"HEINE" PEITZ IS STABBED BY WOMAN

Pittsburg's Catcher in Dangerous Condition and Affair Is Wrapped in Mystery.

(Special to The Evening World.)

CINCINNATI, March 5.—Stabbed by a jealous woman Heinie Peitz, former Red and under contract to play with the Pittsburgh Nationals this season, is suffering with a serious wound. Much mystery surrounds the affair by the family and his attending physicians. Saturday it was announced that he was suffering with pleurisy and that he would be well in a week and able to take his place with the team in a month. Now he may never play ball again.

Who the woman that stabbed him is no one but Peitz knows, or at least no one professes to know. It is authoritatively stated that the stabbing occurred Thursday night about 8 o'clock, and the woman who did the stabbing lay in wait for him and plunged the dagger into his breast as he was entering the house.

Three of the city's most skillful surgeons and two trained nurses are in attendance.

Two Italians exchanged shots early to-day at Rappelyea avenue and Moore street, Long Island City. John Givelli was shot in the back and Carmine Soinho in the left forearm. Both were arrested.

The men lived on Rappelyea avenue and had been in each other's company during the evening. It is not known why they quarreled.

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GRAND JURORS ARE CHALLENGED FOR FIRST TIME

Counsel for Mutual Life Officials Allowed to Question Talesmen.

SETS NEW PRECEDENT.

Mr. Rand Fears Insurance Scandals Have Caused Prejudice and Challenges Four.

Members of the Grand Jury panel for March were subjected to a rigid examination on the insurance situation to-day before being sworn in by Judge O'Sullivan in General Sessions. This was at the instigation of former Assistant District-Attorney Rand, counsel for the three officers of the Mutual Reserve Life Insurance Company, charged against whom will be presented to the grand jurors. Four were challenged and rejected. Such action in the case of grand jurors is without precedent.

The February Grand Jury devoted considerable time to an investigation of the charges that President Frederick A. Burnham, of the Mutual Reserve, George Burnham, Jr., its vice-president, and George D. Eldridge, secretary of the company, paid their private debts with the fund the policyholders had entrusted to their care.

The February Grand Jury, however, merely authorized evidence to be framed by the March Grand Jury in framing indictments. Therefore, Mr. Rand took the stand that under the code of criminal procedure he should be allowed to challenge any grand juror before he was sworn to find out if he was biased.

It is alleged that the Armstrong Committee's exposure and rejection of him against insurance company officers.

Acting District-Attorney Neil replied to Mr. Rand's request, pointing out that the privilege of challenging the talesmen was only good where a defendant was already under indictment.

At the same contention Mr. Rand, as assistant to Mr. Jerome, had defeated an effort of Mr. Burnham, leader of the effort to challenge talesmen being drawn for the Grand Jury.

Four Are Barred.

Mr. Nott, however, said he would not oppose Mr. Rand's motion and waived all opposition. Then Judge O'Sullivan selected Edward Van Valkenburg, a retired merchant, of No. 534 Fifth avenue, as foreman of the Grand Jury. Immediately this selection was made Mr. Rand challenged and began to fire objections at him. Several of these were objected to, but the foreman was finally allowed to say he had read a great deal about the insurance investigation, but had formed no opinion. He had read something about the Mutual Reserve matter and of its president, Mr. Burnham, and other officers of the company.

"Suppose," said Mr. Rand, "there should be a law before the Grand Jury charged that insurance officials used money of a corporation for their personal debts. Could you give them a fair hearing free from all prejudice. Mr. Van Valkenburg said he thought he could not be accepted and sworn."

Then the other talesmen were questioned along similar lines.

After hammering around for two hours Mr. Rand finally succeeded in having four candidates rejected, his colleagues being sustained by Judge O'Sullivan.

The four were Herman Bendix, haberdasher, of No. 130 Fifth avenue; John M. Savage, of No. 94 Franklin street; Robert A. Brown, furniture dealer, of No. 61 West Twenty-third street; and John J. Quinlan, of No. 55 John street.

These were either prejudiced against officers of insurance companies or acquainted with the officers of the Mutual Reserve.

The name of William G. Rockefeller was called as a talesman, but he did not respond.

The Full Grand Jury.

The Grand Jurors are: Edward Van Valkenburg, No. 534 Fifth avenue; David Herman, cotton exchange; Percy H. Brundage, No. 49 Wall street; Donald Nicol, No. 63 Fifth street; James J. Langan, No. 29 West Twenty-third street; Frederick Strauss, No. 23 West Twenty-third street; William Daub, Caulwell avenue; Solomon Tim, No. 94 Franklin street; Heyward H. McAllister, No. 43 Madison avenue; William A. Topper, No. 65 Fifth avenue; John Shriver, No. 23 West Twenty-third street; Frederick M. Wells, No. 320 Broadway; John Tolt, No. 21 West Twenty-third street; John W. Bickel, No. 29 West Twenty-third street; Heyward H. McAllister, No. 43 Madison avenue; Robert A. Greacen, No. 297 West Twenty-third street; Louis M. Hornthal, No. 25 East Fourteenth street; David Stork, No. 456 West Twenty-fourth street; John L. Dudley, No. 53 North street; Evert Janzen, No. 8 East Thirty-eighth street; David H. Hyman, No. 17 Park place; John N. Hayward, No. 4 Broadway; Rudolph A. Loewenthal, No. 127 Duane street.

Who the woman that stabbed him is no one but Peitz knows, or at least no one professes to know. It is authoritatively stated that the stabbing occurred Thursday night about 8 o'clock, and the woman who did the stabbing lay in wait for him and plunged the dagger into his breast as he was entering the house.

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